



## WORKSHOP

### 'Degradation, Civilization & Denial: revisiting Slavery and the Penal System'



Forty years ago Thorsten Sellin's *Slavery and the Penal System* (1976) was published. In this book Sellin elaborated on Gustav Radbruch's (1938) ideas on how public punishment stems from punishment in the domestic sphere, that is, from the right of a slave's owner to punish his property. Indeed, as Sellin explained, '...the capital and corporal punishments that marked the criminal laws of early ages were originally domestic punishments meted out to erring slaves by their masters' (Sellin 1976: vii-viii). 'To be punished means to be treated like a slave' (Radbruch, cited in Sellin: 1976: viii). For Sellin this proved to be a thought-provoking idea which he placed at the centre of his book.

Unfortunately, *Slavery and the Penal System* somehow slipped under the radar of the sociology and history of punishment and went, until recently, almost unnoticed. This was partly due to its unfortunate publication date, just one year after Michel Foucault's massively influential *Surveiller et punir* (and one year before its English translation) was released. But also, probably, because Sellin's approach in the book was debatable, as he exclusively looked for affirmation of Radbruch's thesis and did not allow any room for alternative explanations.

The fortieth anniversary of Sellin's work offers us an excellent opportunity to revisit *Slavery and the Penal System* and to use it as a point of departure to reflect critically upon recent penal developments and how these have been interpreted in the recent past. Despite the weaknesses of Sellin's approach one key contribution of the book has been to draw attention to the (hidden) continuities in penal practice, that is, the 'slavery element' in state punishment. It is this sense of continuity that somehow has become lost in recent debate on punishment. What does it mean today to argue that 'to be punished' is to be treated 'like a slave'?

Sellin's work sensitizes us for the ambivalence in punishment in the West: we openly express revulsion at degrading treatment or punishment and want to be seen as civilized and living up to the highest standards yet, at the same time, we find it hard to abandon resorting to penal practices that clearly do not live up to such standards. European penal discourse (cf European Court of Human Rights and CPT) – but also, so it seems, American (cf *Brown vs. Plata*) – has come to be permeated with notions of human dignity: bodily pain and degradation are to be eliminated or minimized as far as possible. And, yet, it has been observed again and again that these are still part of daily reality. How do state authorities deal with this ambivalence? How are such bodily and degradatory features concealed, masked, denied?

This workshop forms part of a two-year research project '*Degradation, civilization and denial: a European and comparative perspective on punishment*' which is funded by the Research Council of KU Leuven.

**Organisation: research line 'Punishment and Control', LINC, KU Leuven**

# PROGRAMME

## Leuven, 2 June 2016

### Session 1 (9.15 – 10.45h)

*Introduction to the workshop: revisiting Slavery and the Penal System*

Tom Daems (University of Leuven)

*Thorsten Sellin and Georg Rusche: Between slave and free labor*

Dario Melossi (University of Bologna)

*The female factory: Degrading Irish transportees in Tasmania*

Michael Welch (Rutgers University)

### Session 2 (11.00 – 12.30h)

*Reflections on European penal history from a comparative perspective*

Pieter Spierenburg (Erasmus University Rotterdam)

*Private and public punishments in the age of the "Second Slavery"*

Christian De Vito (University of Leicester)

### Session 3 (13.30 – 15.00h)

*Serfs, slaves, offenders: penal police in comparative-historical perspective*

Markus Dubber (University of Toronto)

*Punishment as slavery: between bodies and data*

Mireille Hildebrandt (University of Nijmegen and Free University of Brussels)

### Session 4 (15.15 – 17.00h)

*Incarceration, autonomy and ambivalence: re-learning the lessons of past experiments in penal reform*

Richard Sparks (University of Edinburgh)

*Punishment as modern slavery? Thorsten Sellin, anti-slavery talk and penal abolitionism*

David Scott (Liverpool John Moores University)

*Closure of the workshop*

Tom Daems (University of Leuven)